

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
JOSEPH KORDA	:	
	:	
Plaintiff,	:	
	:	08 Civ. 0106 (GBD)
-against-	:	
	:	
	:	<u>ANSWER TO</u>
	:	<u>AMENDED COMPLAINT</u>
JULIAN SOSNER, M.D. and	:	
SUSAN COWELL,	:	
	:	
Defendant.	:	
-----X		

Defendant SUSAN COWELL, by her attorneys Raab, Sturm, Goldman & Ganchrow LLP, answers the Amended Complaint of plaintiff JOSEPH KORDA as follows:

1. Admits that Plaintiff was sent by the Building Service 32BJ Health Fund ("Health Fund") to Julian Sosner, M.D. for an independent medical evaluation. Denies knowledge or information as to Plaintiff's allegations concerning the examination by Dr. Sosner.
2. Denies knowledge or information as to Plaintiff's allegations concerning his physical or emotional reactions to the examination or its result.
3. Admits that the Health Fund terminated Plaintiff's monthly Long Term Disability benefits. Denies that said termination was done without evidence or proof.
4. Admits that the Health Fund sent a letter to Plaintiff dated January 10, 2007, the contents of which are not disputed.
5. Denies Plaintiff's allegations concerning Dr. Sosner's statement as to sedentary activity.
6. Denies Plaintiff's allegations concerning defendant Cowell's response to his complaints.
7. Admits that the Health Fund sent copies of all documents in the administrative record to Plaintiff.
8. Denies knowledge or information as to Plaintiff's allegations concerning his present physical condition.

FIRST DEFENSE

9. The Amended Complaint fails to state a cause of action for which relief may be granted against defendant Susan Cowell.

WHEREFORE defendant requests that Plaintiff's claims against Susan Cowell be denied and the Complaint be dismissed, and that the Court award defendant Cowell the costs and reasonable attorney's fees of the action, together with such other relief as the Court deems just and proper.

Dated: New York, New York
March 19, 2008

Raab, Sturm, Goldman & Ganchrow LLP
Attorneys for Defendant Susan Cowell

By: Michael Geffner
Michael Geffner (MG-6785)
317 Madison Ave, Suite 1708
New York, New York 10017
(212)683-6699

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSEPH KORDA,

Plaintiff

-v-

JULIAN SOSNER, M.D. and
SUSAN COWELL,

Defendant,

:
:
:
:
AFFIDAVIT OF SERVICE

:
:
:
:
07-CV-7255 (LAP)

-----X
STATE OF NEW YORK)
) : ss:
COUNTY OF NEW YORK)

NANCY RIVERA being duly sworn deposes and says: I am not a party to the action, am over 18 years of age and reside in Kearny, New Jersey.


On March 19, 2008, I served a true copy of the Answer to Amended Complaint, by mailing the same, in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

Joseph Korda
1540 York Avenue
New York, New York 10028

Julian Sosner, M.D.
36 Seventh Avenue, Suite 411
New York, New York 10011


Nancy Rivera

Sworn to before me this
19th day of March, 2008



Notary Public

NANCY STRASFELD
Notary Public, State of New York
No. 02ST6129584
Qualified in New York County
Commission Expires June 27, 2009